

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
MARCH 14, 2011
Commissioners Courtroom
Hamilton County Government and Judicial Center
One Hamilton County Square
Noblesville, Indiana

The Hamilton County Board of Commissioners met in Executive Session in Conference Room 1A at 1:00 p.m. President Altman called the public session to order at 2:06 p.m. declaring a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. Mr. James Neal led the Pledge of Allegiance.

MINUTES

Approval of Minutes

Holt moved to approve the minutes of February 28, 2011. Altman seconded. Holt and Altman approved. Dillinger abstained. Motion carried.

EXECUTIVE SESSION MEMORANDA

Approval of Executive Session Memoranda

Dillinger moved to approve the Executive Session Memoranda of March 14, 2011. Holt seconded. Motion carried unanimously.

ISSD

Service Express Agreement

Mr. Mike Carter requested approval of the SEI (Service Express, Inc.) Hardware Maintenance Agreement. SEI will provide hardware maintenance on 16 pieces of the Dell Server equipment. The equipment will be out of warranty on June 1, 2011 and this coverage will begin at that point. The cost savings is 25% less than the current maintenance agreement and the commitment to SEI is on a month to month basis. Altman asked if this money is in the 2011 budget? Carter replied yes. Holt moved to approve. Dillinger seconded. Motion carried unanimously.

HOOSIER HERITAGE PORT AUTHORITY

Transportation Enhancement Grant Application

Ms. Rhonda Klopfenstein requested approval and signatures on the Hoosier Heritage Port Authority (HHPA) Transportation Enhancement (TE) Grant Application in the amount of \$500,125. The work is scheduled for seven (7) miles of railroad track north of 274th Street, which includes the cities of Arcadia and Tipton. Holt moved to approve. Dillinger seconded. Altman asked for the work being done there seems to be a lot of soft costs, how were those costs determined? Klopfenstein replied those are the costs their (HHPA) grant writer, Cathy Hale, determined. Altman ~~stated~~ **asked** what experience does she have, there is only track replacement and raising the grade slightly planned. Klopfenstein replied those are the engineering costs that Ms. Hale has gathered; she has written other grant applications for the HHPA. Mr. James Neal stated as with any other federal aid project we have to do the environmental study and all plans have to be prepared and certified by a professional engineer. These costs are in line with what has been submitted previously. Altman asked if the engineering is primarily for the environmental study? Neal stated the environmental study is a separate line item in this application. There is field work and drawings that have to be done along with multiple submittals to the State; there is a lot of time involved. Motion carried unanimously.

HIGHWAY BUSINESS

146th Street Curb Cut Request

Mr. Steve Hardin, representing RealAmerica Development, LLC, requested a curb cut at 4420 East 146th Street. The entrance will be relocated to the east moving it further away from the residential side of the property. It would be a restricted right-in/right-out entrance and provides a right turn lane to serve the property and the Duke Energy substation. This is a seven (7) acre site at the corner of 146th Street and Gray Road. This solution has been recommended by the staff of the Hamilton County Highway Department. The highway department has suggested an additional option of installing a raised median to be extended to further restrict left turn movements if requested by the Commissioners. Dillinger moved to allow this with the highway's recommendation of the right-in/right-out with the lane divider preventing a left turn out of that project. Holt seconded.

Altman asked who owns the property immediately to the east of this parcel, is the long parcel part of the substation? Hardin replied it is all Duke Energy property, to the north is the Bridgewater project. Neal stated he is sure Duke is the owner of the frontage, but he not sure who owns the parcel to the north. Altman stated her concern is that the parcel is landlocked and they will be asking for some type of access. Altman stated she wants to clarify that this parcel is not ~~opened~~ for development from Hardin's client. Hardin replied it is definitely not implied.

Mr. Brad Davis stated the highway staff initially denied the request because it did not meet the strict wording of the county ordinance; as proposed in Option B they are not opposed. Davis stated the raised median should be included in the motion. Davis stated the left turn movements into the Duke property will need to be explored further. Neal stated when the county purchased the right of way from PSI he thinks there was something in the agreement that we would not preclude their vehicles from turning left into the substation, we have to look at the right of way documents. They can turn left now. Howard stated that would be an east entrance. Altman asked Hardin if his client will work with the county on the length of the barrier? Hardin replied correct, either as shown or less than is shown. Motion carried unanimously.

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SHERIDAN PLANNING JURISDICTION

Sheridan Planning Jurisdiction

Mr. Chuck Kiphart reported there are a group of people living east of Sheridan and due to the zoning taking place by the Town of Sheridan they wish for the jurisdiction of the Hamilton County Plan Commission to go back to where it was in 2006. This group has hired John Molitor as their attorney. That request was brought to the Plan Commission with three votes taken. The last vote was on February 16, 2011 with a motion made for a non-favorable recommendation of 2-yes votes and 3-no votes. Altman asked for a history of the jurisdiction. Kiphart reported that in 2006, due to the change of the corporate limits of Sheridan that had taken place over many years, they asked the Hamilton County Plan Commission to change the two mile jurisdiction to be two miles from the current corporate lines from the town at that time. Altman asked if this is the area that is in question? Kiphart replied yes. Altman asked if there was any objection at that time when the request was made, that you are aware of? Kiphart replied no.

Mr. John Molitor stated he represents several families that live in the rezone site for the weight elevator business on Six Points Road, specifically the Runds, Renners, Kellams, Bagbys, Raines, Sullivans, Oilers, Hammacks, Bells, Bennetts and Deans. They worked with the Sheridan Town Council last summer and fall when they learned that industrial zoning was proposed for this site even though there is no industrial zoning shown on the comp plan except for the west of Sheridan. The insinuation at that point was that maybe the Waitt trucking business wanted to locate there as well and the industrial zoning would accommodate that. They worked with the Council and ultimately they made a commitment to the Council that for the time being it would only be the grain elevator and the office associated with the grain elevator. They also agreed that they would submit a landscaping plan for comments by the neighbors, even though they are not required and won't have any impact and there is no requirement for a development plan under the Sheridan Planning Ordinance. His clients also learned that Sheridan had, pursuant to the work of some committee over the past couple of years, a plan that showed a large industrial park in that area near Six Points Road, essentially north of the state highway on Six Points Road. It was alarming and seemed to be a threat to their way of life, their rural community and their public health and safety. Ultimately the concern was that when the town council approved this it was a classic case of spot zoning, industrial two miles outside the city limits where there are no facilities, no infrastructure to support an industrial park. The industrial park shown on the comp plan is to the west of the town and nothing to the east of the town. The infrastructure, certainly the highways, do not support any semi trailer traffic in this area, they don't support any industrial operation. Our initial suggestion was that we could sue them but it would cost the homeowners and the town a lot of money so we thought a better way was to go through the political environment. The only one that we have that is responsive to the constituents in that area is the County Commissioners. The town council does not report to the constituents in the township, they don't have a vote on the town council. There are a couple of representatives on the plan commission but they were out voted when it came time to make a recommendation to the town council. Our initial hope was to at least reconsider the initial decision of five years ago to turn the jurisdiction back to where it was at that point and then lets start talking with the town to have some kind of common sense comp plan that would cover that area with the town going forward with something to abide by when making these zoning decisions. Molitor stated he understands this is a difficult decision for the Commissioners to overturn a legislative act that was made by a "sister" body, a town council as opposed to the County Commissioners. If you are not inclined to do this they would ask that they at least put together a resolution requesting that the town take into consideration planning principles going forward and put together a moratorium on further industrial development in that area until there could be a responsible comp plan put together that would accommodate the wishes of the residents along Six Points Road.

Altman asked if they were hoping to have the decision that was made overturned, if we were to grant your request to resume jurisdiction? Molitor stated he does not think they have crossed that bridge, whether we would literally ask you to rezone it back. Most of his clients would respect the fact that the grain elevator is a legitimate business in an agricultural district which is what it was before. They are concerned more about an industrial park going in there, not just a grain elevator and having some sort of commitments that they would have some right to enforce, they don't even have the right to enforce these commitments if the landowner does not chose to abide by them. Holt asked why would they not have the right to enforce the commitments? Molitor responded the commitments state that they are only enforceable by the town council, so we are back to square one where we don't have a vote on the town council.

Dillinger reported he met with twenty or so residents last Saturday and was brought up to date. They are saying they have two (2) people on the plan commission which is the same situation as it is for Noblesville Township. The extra zoning that we gave to Sheridan, which we gave to them at their request, even those people agreed they were in support of that because our feeling was that a jurisdiction closer to them would be better at telling them what they are trying to do. There is precedence; we have done that with Noblesville, Carmel, and Fishers anytime a municipality is trying to expand which would make it very difficult for him or any other governmental agency that authority at the request of everybody and then take it back. Dillinger stated he understands their concerns but is not sure this is the avenue that gives that remedy. Dillinger stated if we took it back, would they just expand their city limits a little bit and then that expands their two mile jurisdiction, doesn't that solve the problem? Molitor stated he does not think it automatically expands their jurisdiction. Dillinger stated he knows it does not do it automatically, he is just saying if he is on the town board of Sheridan and I want that to happen he would assume that would be the plan. This would make it a moot point whether we took it back or not. Dillinger suggested the residents get in touch with Ms. Pearson and the Sheridan Town Board to sit down and have a discussion to work out their disagreements. Dillinger stated he does not see this as a remedy. Molitor stated he appreciates that and this particular act seems like a rogue act where they are putting spot zoning two miles outside the town limits in industrial. Dillinger stated he did not even address that, which was not our business, it is the Sheridan's Town Board's business. Molitor stated considering you are their elected officials perhaps you could see your way clear to urge the Town Council of Sheridan to take into account the residents concerns because

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it appeared throughout this process that those concerns were virtually of no account. Dillinger stated he has offered to sit down and try to be the mediator with the Sheridan Town Council.

Howard asked Molitor for purposes of this hearing is it almost conceded or definitely conceded that the act last year would not be reversed? Molitor stated he does not think his clients would want to waive their right to challenge the legitimacy of that act but he understands what Howard is getting at, that there might be some vested rights there to the extent that once they apply for a permit they may have the right to go forward. Howard stated he understands. To the extent that you might be able to challenge what the town council did in that particular situation but you would not be asking these Commissioners to reverse that? Molitor replied certainly not today. We would only ask going forward that you consider reversing the decision of 2006 and putting the planning jurisdiction back with the Hamilton County Plan Commission at least until we would get something worked out that we could relay upon what is in the comp plan and have some sort of expectation that it will be considered before a zoning decision is made. Howard stated the particular decision as to the Waitt parcel you would not expect for this Board to have the authority to reverse that solely because they were retaking the jurisdiction? Molitor stated he would not want to waive that right entirely but we certainly are not bringing it before you today, we have not crossed that bridge and he does not know they will ever come to it we are not at this point requesting that you would do that in conjunction with the change in jurisdiction. Altman stated she thinks what Counsel is alluding to is that if you were to request that and we granted your request today and you subsequently request a reversal that would probably be a compensable act and the county would have to compensate the landowner for the change back of zoning. Molitor stated to the extent it might be considered a taking, as he understands it they have yet to apply for the building permit for the grain elevator that they want. My clients, at least most of my clients, would seem to be at a point that they are conceding that the grain elevator is probably acceptable, it is just the industrial zoning seems to be completely over the top for that area. Altman asked if there is a remedy in court for your people? Molitor stated it is difficult to challenge a legislative act, a rezoning is generally considered a legislative act unless there is some constitutional problem or procedural defect. It seems difficult and very expensive. Altman ~~stated~~ **asked** and you feel you have no enforceable commitments from the town? Molitor stated the commitments are only enforceable by the town council and the commitments themselves only allow that they have to be submitted to the neighbors for comment but the comments are not entitled to any particular weight when the town considers whether to grant the permit. Howard asked if the industrial zoning applies only as to one (1) parcel or was it for the whole section? Molitor stated it is the one (1) parcel for now (69 acres). Howard stated 69 acres, substantially more than is needed. Molitor replied yes, even the back of envelope plan that they showed only needs 10 acres for the grain elevator but they got the entire 69 acres rezoned industrial.

Holt stated he has addressed John (Molitor) during the plan commission meetings. As in Commissioner Dillinger's observation he lives in the same circumstance in his community, he does not vote for the town council that controls his zoning. It is a lack of representation issue but it is sure not unique to Adams Township. Westfield has the same scenario if you live outside the city jurisdiction, Westfield controls the zoning and this repeats itself all over the county. Holt stated he has a problem with undoing what we did five years ago when no one complained about it. Frankly if a municipality came in today and said they wanted to expand their jurisdiction to the two mile he thinks we would probably grant it again in any other township unless folks had a reason at the time to make us think otherwise. Holt stated he does not think anyone has come in over the years on these expansions and said they objected to it. Molitor stated he appreciates that but they would not have opposed this in 2006 because there was nothing shown on the comp plan in 2006 that would indicate there would be industrial zoning out there. I don't think Westfield, Noblesville, Fishers or Carmel have put an industrial zoning out in an area that is shown on the comp plan as agriculture or residential. Howard stated but they could. Molitor stated in theory they could have to the extent a legislative act is not reviewable by the courts. Altman stated she is always troubled when a jurisdiction asks to expand their boundaries for the very reasons stated by your clients due to no direct representation and part of the things closes to the heart of those land issue are folks that have property in those areas face. Altman moved to grant the petitioners request. Dillinger asked to define what the petitioners are requesting. Altman stated the petitioners requested that the county resume jurisdiction. No second. Motion died due to lack of a second.

Dillinger stated it is important to understand the rationale and the county allowing the municipalities to do that; the problems we have always ran into when you have that close of a relationship to the two mile jurisdiction is the rules Sheridan has on roads, drainage, etc., is different than what the countys' is. That makes a very difficult situation when someone is trying to develop something because they are going to the county standards and then as soon as they are taken over by the municipality then they have to change those standards in mid-stream. There are very logical reasons for doing this and as Commissioner Holt said in most cases when we are asked to do this the very same people that want us to take it back now were supporting it at the time. Dillinger stated he even asked them that question Saturday and a lot of them said they had supported it. For us to allow that jurisdiction and then say we don't like what Sheridan is doing with it and we are going to take it back is not good government.

Ms. Connie Pearson, President of the Sheridan Town Council, stated the intent of the Sheridan Plan Commission and Town Council has been to adopt new zoning ordinances for the Town of Sheridan that reflects similar zoning classifications of Hamilton County. Recently the Sheridan Town Council engaged consultant, Kevin Buchheit of Kreig Devault to research and develop an agricultural district for Sheridan that coincides with Hamilton County zoning. While the goal is to change all zoning classifications this is an important piece which will be addressed as soon as possible and will be addressed first. We welcome all members of the Hamilton County Plan Commission and Hamilton County Board of Commissioners or a representative thereof to attend any or all public meetings of the Sheridan Plan Commission as we consider new zoning ordinances for the Town of Sheridan. As John (Molitor) says they are working on some kind of resolution and maybe we could sit down together.. We are working toward our goal that was set out in

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2007 and respectfully request that the extended zoning area be left under Sheridan zoning jurisdiction as was determined by this body in 2006. Dillinger stated they had indicated they did not feel the communication with town board had been very good. They felt like they were being denied in the public hearing some kind of representation. Dillinger suggested perhaps if they invite these folks to a meeting, you are all close neighbors, there are a lot of hurt feelings right now and he has found that it is a lack of communication. Dillinger encouraged the town board to invite this group together, sit down and maybe ease some tension by giving them a chance to talk. They feel, whether it is right or not, that they have not had a right to be heard. Pearson replied that communication is important and that is where we lack some of our understanding because we don't communicate correctly. Pearson stated they will do that. They will be looking at the report from Mr. Buckhheit and at that time we will be inviting them to come in and join us in that process, it will be an open forum to do that or we can even sit down and speak to them privately. Altman stated by statute the request can come again so Mr. Molitor has asked us to encourage you that it is a community decision and she would hope that you, as elected officials would treat everyone within this zoning jurisdiction fairly and equally. She would hate to see this come up again where my motion may get a second. Holt asked if the report from Mr. Buckhheit means the comp plan is in a state of flux right now? Pearson stated he is working on an agricultural district for us, that is the one piece that has been in question. Our zoning has not been dealt with overall since its inception in 1978 and revised in 1999. We need a total update of the plan but because of this issue that has come up we felt the need to zero in on a specific area. He is working off the Hamilton County Zoning Plan to get something very similar so we can address that issue. Holt asked if you adopt what Buckhheit gives you will it include the ground that is contiguous to the 68 acres? Pearson replied yes. Holt stated in the Plan Commission meetings it was always 700 acres of industrial zoning and if he is working on a plan for an agricultural zone that is that same ground then would that not solve the concerns of the folks that are here? Pearson stated yes, that is what we are trying to solve. Holt stated other than the Waitt issue? Pearson stated yes, other than the Waitt issue. Holt stated we heard John (Molitor) say that most of his clients are at peace with that. Pearson stated by hiring Krieg Devault we are trying to address that issue that came up in the plan commission.

Molitor stated on behalf of his clients we welcome this news, we had not heard that this was going forward so this is potentially a positive development and we appreciate the Commissioners involvement in encouraging the Town to work with us going forward.

Howard stated for clarification the motion to reverse the prior motion failed therefore the prior status quo remains.

HIGHWAY BUSINESS

Open Road Cut Permit

Neal requested approval of Open Road Cut Permit #RDCUT 2011-001 from Citizens Energy Group on 96th Street east of Cumberland Road to cut and cap a service connection. Holt so moved. Dillinger seconded. Motion carried unanimously.

Altman would like to have more discretion for the highway staff to approve these where we have plans to fill in the hole and it is pretty cut and dry.

Traffic Signals Title Sheet

Neal requested approval and signature of the Title Sheet for Contract T-33773 for traffic signal upgrades in various locations. Holt moved to approve. Dillinger seconded. Motion carried unanimously.

Riverwalk Trail TE Application

Davis requested approval and signature of the TE (Transportation Enhancement) Grant Application for the Riverwalk Trail between Conner Street and Logan Street in Noblesville. The total estimate, including engineering and inspection fees is \$1,261,000. Holt confirmed this includes bringing the trail up the sidewalk to the downtown square? Davis replied yes, the connection along Logan Street. The companion piece is the City of Noblesville's piece from Logan Street to the pedestrian bridge. Holt asked from the river does the county's piece include coming up to 8th Street? Dillinger stated no, that is the city's part. Davis stated there is a connection between Logan Street and the Riverwalk. Dillinger stated isn't that the part the City of Noblesville is doing? Davis stated the south side of Logan Street is the county's portion. The section that is underneath Logan Street is the City's portion. Howard stated the City comes up to grade, goes north and ties into the pedestrian bridge over the river. Holt confirmed that someone on the path will have two (2) options, they can come up the sidewalk to the square or they can go under the Logan Street Bridge and come up to grade to the pedestrian bridge over White River? Davis replied yes. Dillinger moved to approve. Holt seconded. Motion carried unanimously.

Road Closure – Brooks School Road

Neal requested permission to close Brooks School Road between 116th Street and 126th Street beginning on or after Monday, March 21, 2011 for 60 calendar days for rehabilitation of Bridge #184 over Mud Creek. Holt so moved. Dillinger seconded. Motion carried unanimously.

Highway Meeting

Davis reminded the Commissioners of the meeting scheduled for March 25, at 7:30 a.m. at the highway department.

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HUMAN RESOURCES

Medical Insurance Contracts

Stop Loss Renewal

Ms. Kris Pilkington, Brown & Brown Insurance, requested approval of the April 1, 2011 renewal for the medical plan. The stop loss insurance if we keep the current deductible at \$125,000 the costs increases 25%, if we increase the specific deductible to \$150,000 it will keep the costs neutral to the county. Pilkington proposed increasing the specific deductible from \$125,000 to \$150,000. Dillinger so moved. Holt seconded. Motion carried unanimously.

Short Term Disability

Pilkington proposed increasing the Short Term Disability Rates; currently the employees are paying \$9.46 per pay on a 26 week pay scale, the proposal is an increase to \$10.39 per pay. The employees fund the disability payments and it is an optional coverage item. Dillinger so moved. Holt seconded. Motion carried unanimously. Randall reported this will begin with the first paycheck that includes April 1, 2011.

Retiree Rates

Pilkington reported they will be recalculating the retiree rates based on the new proposed medical rates and those will be available and ready to submit for May 1, 2011. Pilkington stated the disability calculations will be available by the end of this week and will be brought to the next Commissioners meeting.

Vision Service Plan Amendment

Pilkington reported VSP (Vision Service Plan) has proposed some new enhancements with no additional costs to the county or employees. The plan is proposing they will pay out-of-network benefits at in-network benefits. Dillinger moved to approve. Holt seconded. Motion carried unanimously.

VSP is proposing to add Costco to the network effective July 1, 2011. Dillinger moved to approve. Holt seconded. Motion carried unanimously.

Protected Health Information Disclosure

Pilkington stated VSP is proposing we send the vision claim information to Meritain to capture additional preventative services. VSP is requesting signatures on the Protected Health Information (PHI) form. Dillinger moved to approve. Holt seconded. Motion carried unanimously.

Randall stated the VSP Plan Amendment and PHI are effective April 1, 2011.

Bike to Work Program

Ms. Sheena Randall stated the City of Noblesville has requested county employees' participation in a Bike to Work Program. Noblesville will spearhead the project; it will be held on May 20, 2011 and they will provide bicycling maps for each participant, designate a meeting point, host a Lunch & Learn for bicycle safety, and they have sponsors providing food and prizes. Altman asked if there will be a secure location for the bikes once they arrive at work? Randall replied the committee will be designating that location. Holt so moved. Dillinger seconded. Motion carried unanimously.

BUILDINGS AND GROUNDS

Buildings and Grounds Maintenance Contracts

Mr. Steve Wood requested approval of maintenance contract renewals for the following:

- BAM Outdoor for grounds service - \$34,868.13. Reduced by \$1,700 from 2010 contract. Includes Community Corrections and Health Department.
- Mid-America Elevator Company - \$18,036.00. Same cost as 2010 contract.
- McQuay Services for the Chiller at the Judicial Center - \$18,660.00. Same cost as 2010 contract.
- Grunau for fire systems and Life Safety - \$17,975.00. These contracts have all been combined into one contract for a savings of \$18,365. The contract includes Community Corrections and the Health Department buildings.

Holt moved to approve. Dillinger seconded. Motion carried unanimously.

ASSESSOR

Nexus Legal Services Contract

Ms. Robin Ward requested approval of the Legal Service Contract with Nexus Group, Inc. as legal counsel for the county appeals. Howard recommended approval of the contract. Dillinger moved to approve. Holt seconded. Altman suggested the Notice to Parties section be revised to include Notice sent to the Commissioners via the Auditor's offices since the contract is with Hamilton County and not just the Assessor. Motion carried unanimously.

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EMERGENCY MANAGEMENT AGENCY

Communication Vehicle Interlocal Agreement

Mr. David Bice requested approval of an Interlocal Agreement between White River Township of Hamilton County, Indiana and Hamilton County, Indiana to house the communications vehicle. Holt moved to approve. Dillinger seconded. Howard stated he has added a provision on insurance requiring the county maintain casualty and liability insurance on the vehicle. Motion carried unanimously.

Dillinger left the room at 2:58 p.m.

Bice requested approval of a claim to cut a check. The truck will be delivered March 24 or 25, 2011 and they would like to have a check in hand during the presentation of the truck. The Auditor has agreed to this request. Holt moved to approve. Altman seconded. Motion carried unanimously.

Severe Weather Week Proclamation

Holt moved to proclaim March 13-19, 2011 as Severe Weather Awareness Week. Altman seconded. Altman asked if all of the sirens are automated as funded through the UASI (Urban Area Security Initiative) Grant? Bice replied yes. Altman explained they were able to zone sirens through some monies received through UASI. Holt reported that Kent Ward attended the National Association of Counties Organization (NACO) Conference and it was discussed that in the event of a disaster that private contractors the county relies on for various things will be highly sought after during and after the disaster. In other disasters around the country they are finding that quotes for services are expedientially higher than the bid rate that we have for services. Ward has recommended we look at all service contracts going forward and include a clause in the contract that the county has their services for disasters and cross pollinate it for the highway department, EMA (Emergency Management Agency) and Drainage Board so all contractors are available for each of these departments. This may also help with the issue of who has authority to sign contracts over \$5,000 during a disaster. Altman suggested that the county get first preference so the contractors are available. Motion carried unanimously.

Dillinger returned to the meeting at 3:02 p.m.

Cell Phone Service for EMA

Bice stated currently he and Carl Erickson have Nextel with Direct Connect cell phone service; due to a change in service the Direct Connect service is not working well. The State and Fishers no longer carry Nextel. Bice requested they be allowed to go onto the county cell phone plan. Holt moved to approve. Altman seconded. Motion carried unanimously.

PROSECUTOR

Family Justice Center STOP Grant Application

Ms. Beth Gehlhausen stated they are pursuing funding for the Family Justice Center project. One of the grants is from the Indiana Criminal Justice Institute STOP (Services Training Officers Prosecutors) Violence Against Women Act. Gehlhausen stated they do not need the Commissioners approval but did want to inform the Commissioners of the application. The Application will be run through the Prosecutor's office. They are applying for \$75,000 with a possibility of up to \$100,000. Altman stated the Prosecutor does not have contracting authority unless he is doing it for the State. Howard stated the Prosecutor's office has never understood that they do not have the authority to obligate the County financially. Gehlhausen stated this is in the context that she does not require the Commissioners signatures on the application. The only signatures required is from the implementing agency which is the Prosecutor. Dillinger stated they do not have the authority to do that unless the Commissioners vote on it and give them that authority, they can not obligate the county. Gehlhausen asked if she can present this or does Lee Buckingham need to present it? Altman stated the problem is the application in her packet did not have anything attached to it. It did not say what the grant was for, what the dollars were and how they were being spent. The last time we gave permission for the grant she thought the contract was coming back through the Commissioners and it never did. Gehlhausen replied yes it did. Altman stated we never signed the contract on the implementation. Gehlhausen stated it was a Recovery Act Grant, everything that needed to be signed was signed up front and everything is on file with the Auditor's office. Altman stated that was not her understanding when the Commissioners signed the grant. Howard asked when the grant application was signed that was the last signature required? Gehlhausen replied yes, the county has every single document filed in the Auditor's office except what is filed online and it goes directly to the federal government. Gehlhausen apologized for any confusion, every single document she has in on file in the Auditor's office. Dillinger asked Howard what does Gehlhausen need to do? Howard asked for a brief summary of the grant and the Commissioners can move to approve, subject to the President signing the document. Gehlhausen stated the grant is primarily to do three (3) things. The Family Justice Program is to bring organizations together to work more efficiently and more effectively for domestic violence, sexual assault, elder abuse and children as relating to those subjects. This grant is trying to move this project forward. They are still working through the planning document, which is on their website and they sent out information last fall. They are looking to bridge a gap between her contract, which would be for a few months and hire our services committee person to begin to communicate all of the services on a formal level as well as begin to work on very specific services on elder abuse. We virtually have no services for elder abuse victims in Hamilton County. They are also beginning some data work; they do not have a clear picture on a countywide basis on what is happening with domestic violence, sexual assault, child abuse and elder abuse. They are creating a single repository for all of that information. Gehlhausen stated the grant is for \$75,000 and will require a 20% match. Altman stated the grant

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requirements state there is no match requirement if it is a governmental agency. Gehlhausen stated she believes there is unless it is a victim's service agency, which it is not. Altman asked why would we not run this through Prevail? Gehlhausen replied because Prevail is not the Family Justice Center, it is a new entity. Altman stated she serves on United Way and there was no documentation as a governance structure for this, has that been created? Gehlhausen responded that that is still being worked on, there is a separate feasibility study committee working on that with final results available within the next 60 days.

Holt stated we have spent time in the past trying to figure out what is going on with grants that are run through the Prosecutor's office. Gehlhausen stated she could run it through another entity if that is an issue, assuming she has time. Holt asked Dawn Coverdale if it is her understanding that this grant would run through her office for reporting purposes? Coverdale responded Beth (Gehlhausen) has brought all of the paperwork to her office, copies of all of the claims, etc. Dillinger asked if there is any reason we would not approve it? Holt stated it is the organization that is confusing, historically something like this would be a Prevail issue, does this cut Prevail out? Gehlhausen replied no, it is totally separate. They have met with the Indiana Criminal Justice Institute and made it clear on what we are doing in Hamilton County; they are very supportive of both Prevail and the Family Justice Center and how Prevail will work with this and not against it. Holt stated he thought the idea of the Family Justice Center was to coordinate local agencies? Gehlhausen stated yes it is. Holt asked why would the Prosecutor be doing this instead of Prevail? Gehlhausen replied that Prevail will not be the coordinating agency. Holt asked if the Prosecutor is going to take on stopping violence against women? Gehlhausen stated she does not know that to be the case but as of right now it is not going to funnel through an already existing non-profit organization that has not been decided. Holt asked who will decide that, the Prosecutor? Gehlhausen stated the Prosecutor is on their committee. Holt asked if the committee is going to decide or the Prosecutor? Gehlhausen stated the feasibility study is to look at what our options may be and as we see them based upon a national model. The three models that might fit with us are 1) going under an existing governmental entity, 2) creating their own non-profit organization, or 3) going under an existing non-profit organization. The group working on this right now does not feel there is an existing non-profit that we would best be served under. Holt stated the likelihood is that a new non-profit organization will be created as an umbrella agency for other non-profits? Gehlhausen replied possibly, she does not know that yet they are still working through all of the data. Dillinger stated basically this grant is to help facilitate them to continue putting this all together? Gehlhausen replied yes. Altman asked how much have you expended so far? Gehlhausen replied the original grant was \$215,000 and it expires in September 2011. Holt asked if there is a local match? Gehlhausen replied 25%. There is an in-kind donation of approximately \$20,000; they have secured an office at 146th Street and Cumberland Road in the Community Health Network building. Either way they move forward with this there will be a 501 C-3 or some type of charitable arm to raise most of their monies. They will be doing fundraising. Altman stated for this grant the in-kind match is \$8,500 in local donations and \$10,000 match of office space. Gehlhausen stated those numbers are a little low and she will be updating them. Holt moved to approve. Dillinger seconded. Motion carried unanimously.

COMMISSIONER COMMITTEE REPORTS

Personnel Committee

Altman reported there was a Personnel Committee meeting that was uneventful and they are gathering more information to look at different departments.

Work Session

Altman requested scheduling a Work Session for April 11, 2011 to begin at 9:00 a.m. in Conference Room 1A. Altman stated the topic will be the Juvenile Services Center and they will be looking at population, costs, etc. to try to figure out trends and what we are going to do with the Center in the future. Dillinger asked if Envoy is supposed to be providing information for this meeting? Altman responded the information is primarily coming from the Sheriff and Probation Department, Envoy would not be involved. Holt stated he and Dillinger have both had discussions with Envoy that there would be some merit in doing a retrospective of what the Huskey report recommended, what we built in response to this report and if we are delivering the promise from a numbers perspective for what services were recommended. Envoy has said they would do that at no charge. When Holt spoke with them he recommended they (Larry Dawson and John Barbee) contact Commissioner Altman. Altman stated she is surprised we would use a construction management firm to look at Huskey's report. Dillinger stated Envoy organized that report, they put it all together. Altman stated if we want to discuss vehicles during the Work Session, that would be appropriate but she would like to have any information we have distributed among the Commissioners at least by Wednesday prior to this meeting. Dillinger asked Stevens to get Altman a copy of the information that he has.

GPS for County Vehicles

Holt asked if we want to discuss GPS for county vehicles during this work session? Holt informed Brad Davis that Kent Ward came back from the NACO Conference with suggestions on GPS for county vehicles, which was discussed several years ago. Prices have decreased and capabilities have increased and the Commissioners would like to take another look at GPS. Holt instructed Davis to contact Kent Ward before the March 25th meeting to get the information and see if there is time during that meeting to discuss it.

E-911 Meeting

Altman reported during the E-911 meeting they discussed the communications vehicle, we will receive delivery of the vehicle on March 24, 2011. There will be two (2) days of training with the manufacturer and then our communications staff will be installing and retrofitting some additional equipment and settings. We expect it to be fully operational within 60 days after delivery.

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They also looked at the radio tower revenue with the two (2) towers.

Dillinger asked if we have ever made the industry appointment to that committee? Altman replied no, most of the problems with 911 and legislation is coming through cell phone providers; we might want to ask Steve Powell or a representative from those providers to sit in on the meetings. Holt asked if it can be a non-county resident? Altman stated it is an industry representative, not county specific. Dillinger and Holt supported that recommendation.

Altman has repeatedly asked Bakers & Daniels that the Sheriff's Department and her fellow Commissioners be included on the legislative e-mail list regarding 911 legislation.

ATTORNEY

Resolution 03-14-11-01

Howard presented Resolution 03-14-11-01, A Resolution of the Board of Commissioners of Hamilton County, Indiana, Approving and Adopting Interlocal Agreement with the Hamilton County Visitor and Convention Commission (HCVCC). Howard explained that in late 2010 the HCVCC came up with a series of projects and grants that they would like to fund through a Bond Issue. They have approximately \$2.2 million in 2009 of annual revenue. That revenue comes into the Auditor's office in monthly payments and then released to HCVCC. They looked at the most efficient and economical way to take part of these revenues and accumulate a large amount of money to do several large projects. The most efficient way would be for Hamilton County to be an issuer of Bonds and the HCVCC would sign an irrevocable authorization to intercept monthly payments to pay principal and interest on the Bonds. The HCVCC presented this request to the County Council in November 2010. To the bondholders the primary credit would be COIT (County Option Income Tax). Members of the County Council were uncomfortable with that due to the stresses of the county COIT budget. If Bonds are issued with the COIT back-up they would carry the county's existing "AAA" rating and that would result in an estimated monthly payment of \$22,635. If they were issued as a Revenue Bond that would carry a "B" rating generating \$24,700 per month. The Innkeeper's Tax Rate are not expected to decrease but are expected to increase with the improvement in the economy. If the County had to ever pay the principal or interest payments with COIT that would be reimbursed from the next immediate distribution of Innkeepers Tax to Hamilton County. The County Council will have to approve this Resolution and the Bond Resolution authorizing the issuance of the Bonds. Altman asked Howard if his proposal included a COIT backing? Howard replied yes.

Dillinger moved to approve. Altman declared she has a conflict of interest; she represents the Visitors Bureau and Commission. Holt stated he will have to abstain due to his financial interest in the outcome of the vote. Howard asked Altman if any of her remuneration from the Bureau or Commission is dependent on whether this project goes forward? Altman stated no she has no financial interest and in order to move the project forward it is appropriate to declare the conflict and then vote. Altman seconded the motion. Dillinger and Altman approved. Holt abstained. Motion carried.

Community Development Block Grant

Howard presented Part 1 of the response from the Noblesville Housing Authority (NHA) to the HUD Monitoring review letter dated February 17, 2011 for the Commissioners to review. Parts 2 and 3 will be forwarded to the Commissioners as they are submitted to HUD.

The NHA did receive notice of a compliance audit on an existing project which is standard procedure. That audit will take place March 15, 2011.

Altman asked the Auditor to confirm that we did receive a copy of the February 17, 2011 NHA correspondence to HUD.

On-Call Time Training

Howard reported he and Sheena Randall will be leading a training session on the new On-Call Time policy.

DIRECTOR OF ADMINISTRATION

AED Replacement

Mr. Dan Papineau stated we have been discussing replacing the AED's (Automatic Electronic Difibulator). Ryan Horine has access through the State bid for one type of AED at a cost of \$1,089 each and the City of Carmel recently bid their AED's and received AED's from Cardiac Science at a cost of \$1,095 each. We have approximately 77 AED's throughout the county, the majority located in the Sheriff's Department vehicles. The Cardiac Science AED has a seven (7) year warranty and the State bid AED is a five (5) year warranty. Holt asked if any AED's have been sent back on warranty claims? Papineau and Horine both responded no. Holt asked if Jim Ginder has been involved in this discussion? Papineau responded that Jim Ginder, Health Department Educator, already has the Cardiac Science AED in his facility. Altman stated the old AED's have to be replaced every five years, if we buy the seven year warranty will it last seven years instead of five years? Papineau and Stevens replied yes. Altman replied then wouldn't the bid that lasts seven years be the better deal? Papineau agreed, there is a possibility of a trade in with the old AED's. Altman asked if we are over the bid amount of \$75,000? Papineau stated yes, if we replace all of the AED's it is estimated to cost \$90,000. Altman asked Papineau to bid them with trade-in and seven year warranties. Horine stated Carmel did a full bid process, if the Commissioners would recognize the Carmel bid process as being legal and fair bid process; it would save us the steps of going through an entire bid process. Altman stated she does not know if we can do that. Howard

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stated we buy cars through the State bids and we can purchase under federal bidding processes. Howard stated usually they piggyback beforehand, not after the fact. Howard asked how many did Carmel buy? Horine replied 132, the county would purchase 80. Howard stated the contractor does not have a duty to honor the price that Carmel received. Papineau stated he has spoken to a representative from Cardiac Science and he is willing to honor that price. Howard stated he needs to look at the purchasing statute. Holt asked if Jim Ginder supports the purchase of the Cardiac Science unit? Papineau responded yes. Holt asked if there would be any merit to send this out to the other police and fire chiefs to see if they were interested in being included in the bid? Horine stated typically they would use a different style, but we could extend the invitation.

Holt left the meeting at 3:49 p.m.

Howard will review the statute regarding the piggybacking onto Carmel's bid and Horine and Papineau will see if there are other units that would be interested in being included in the bidding process. Altman asked Dillinger if he is comfortable approving the purchase if Howard finds out they can purchase the AED's through Carmel's bid? Dillinger replied yes. Papineau asked where will this be funded from? Altman and Dillinger authorized a request for an additional appropriation from the Commissioners budget or Safety Risk budget? Coverdale will prepare the additional appropriation in the amount of \$100,000 for the Safety Risk budget.

Purdue Extension Hamilton County Agriculture Day Proclamation

Dillinger moved to proclaim March 23, 2011 as Purdue Extension Hamilton County Agriculture Day. Altman seconded. Motion carried unanimously.

Fishers Wage Determination Committee Appointment

Dillinger moved to appoint Jonathan Valenta as the County Representative to the Town of Fishers Wage Determination Committee meeting being held March 22, 2011. Altman seconded. Motion carried unanimously.

Soil and Water Annual Meeting

Stevens announced that the Hamilton County Soil and Water District Annual Meeting will be held March 18, 2011 at 8:30 a.m.

Probation Accounts Payable Claim

Stevens stated the Auditor has questioned payment of an accounts payable claim for the Probation Department. Stevens has researched the statute and these types of reimbursements require sufficient justification "showing the business nature of the claim" for the Board of Commissioners to allow payment. This Board has final determination on the sufficiency of the justification.

Mr. Ollie Schierholz stated as he understands it the Ibuprofen and Band-Aids are being used in the Probation office first aid kits, which are located in each kitchenette. Altman replied she thought Dan (Papineau) is in charge of all the first-aid kits to make sure they are current. Schierholz replied he has been working here for over five years and no one has ever inspected the first aid kit that is in the Court Administration office, at least half of the supplies in that kit are supplies he has purchased. Altman stated the receipt includes all kinds of items including paper plates. Schierholz stated he has spoken with Ms. Wagoner and they were stocking their kitchenettes, he has told her they do not need to continue to do that. Schierholz stated he can't answer why there was such a large quantity purchased.

Altman stated we should not be doing this countywide. Stevens stated his research showed that it is not consistent, some departments are reimbursed by the county and other departments purchase their own. Coverdale stated she does not think it is an appropriate use of tax dollars; her office changed that when the money shortfall began within the county. Her employees have always bought their own coffee; the only thing the county provides in her office is the bottled water. Altman stated everyone is doing it differently and it is not fair that one department gets free paper plates and the other does not. Ecologically it does not make sense either; each kitchenette has a sink and hot water. Altman recommended we develop a uniform policy then everyone will be treated the same. Horine stated the Sheriff's Department has a service that comes out two times a year and fills all the first aid kits and then he leaves a bill, which is paid from the Sheriff's budget. There is no funding mechanism to pay for these supplies. Each of the kitchenettes is in common areas where the first aid kits are stored. Coverdale stated she thought Jeff Rushforth was taking care of that when he was Safety Risk Manager. Dillinger asked what the Sheriff's Department does about paper supplies? Horine stated they operate a kitchen and don't need paper plates. Tylenol and aspirin are in their large 100 person first aid kits, they are filled once or twice a year and when we run out, we are out. Sometimes staff will bring in a bottle and put it in the first aid kit. Dillinger agreed the procedures need to be clarified. Schierholz stated in all of the courts the kitchenettes are in the jury rooms and jury assembly; they use money designated for jury supplies. They buy coffee and Kleenex for the juries, not the staff. Schierholz stated the Probation Department will no longer be purchasing paper supplies, if someone is going to take over responsibility for the first aid kits, that is fine with them as it would be with all of the courts. Dillinger stated without some directive of what they can and can not do it becomes a discretionary action. Altman stated the State Board of Accounts says we can not even buy coffee. Dillinger moved to allow this claim and Dan Stevens put parameters together that is distributed to each department. Altman seconded. Altman asked that an e-mail be sent to everyone stating we are considering a policy and would suggest that any items that are personal in nature not be purchased or if they are purchased they are at their own risk of not being reimbursed. Dillinger stated we need to take comments as well. Motion carried unanimously.

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Hamilton County Citizen Bureau

Stevens reported the Hamilton County Citizen Bureau as listed in a previous grant application was a typographical error, that organization does not exist.

Youth Service Awards

Stevens reported George Kristo has requested the Youth Service Awards be scheduled for April 25, 2011 at 4:30 p.m.

Tax Sale

Stevens reported the 2011 Tax Sale will be held Thursday, October 13, 2011 at 10:00 a.m.

Performance Evaluations for Commissioner's Staff

Stevens reported he has received Performance Evaluation Forms for the Commissioner's staff, which are due by March 31, 2011. Altman asked Stevens to prepare a packet for each Commissioner with a copy of last year's evaluations and then schedule the evaluation with each staff member. Dillinger recommended each Commissioner evaluate each staff person on their own and then they compare notes prior to meeting with the staff. Stevens will do the evaluations for Wayne Long and Cary Woodward; the Commissioners will prepare evaluations for himself, Brad Davis, Sheena Randall, Chris Mertens and Steve Wood. The Commissioners will meet at 8:00 a.m. on March 28, 2011 to discuss the evaluations with the actual evaluations beginning at 2:30 p.m. that afternoon. Stevens will confirm the schedule with Mike Howard.

SHERIFF

Live Nation Contract

Sheriff Bowen requested approval of the contract between Live Nation Worldwide, Inc., the Hamilton County Sheriff's Department and the Hamilton County Board of Commissioners for security for the 2011 concert season. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

Sheriff's Annual Report

Bowen presented the 2010 Sheriff's Department Annual Report to the Commissioners.

AUDITOR

Alternative Services Concepts Service Contract

Coverdale requested approval of the Claims Service Contract with Alternative Service Concepts (ASC) for third party administration services. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

Treasurer's Monthly Report

Dillinger moved to accept the County Treasurer's Monthly Report dated February 28, 2011. Altman seconded. Motion carried unanimously.

Payroll Claims

Dillinger moved to approve Payroll Claims for the period of February 21 thru March 6, 2011 paid March 18, 2011. Altman seconded. Motion carried unanimously.

Vendor Claims

Dillinger moved to approve Vendor Claims to be paid March 15, 2011. Altman seconded. Motion carried unanimously.

EMS/ALS Memorandum of Understanding

Coverdale presented the Memorandum of Understand (MOU) for funding of EMS/ALS services for Jackson, Wayne and White River Townships. Altman stated she has a problem with that because it just has three (3) entities and she has a conflict. Coverdale replied so this is not going anywhere today? Altman stated she does not think so.

Dillinger moved to adjourn. Altman seconded. Motion carried unanimously.

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Commissioner Correspondence

HUD Fair Housing & Equal Opportunity Monitory Review
DNR Public Notice
 Keystone Avenue Bridges over Cool Creek
US Army Corps of Engineers Joint Public Notice
 Nation Wide Permits (NWP's)
IDEM Notice of Sanitary Sewer Permit Application
 Avalon of Fishers, Section 4C - Fishers
 Avalon of Fishers, Section 7A - Fishers
 Pilgrim Lutheran Church – Carmel
IDEM Mitigation Monitoring Release
 Hamilton County Bridge #208
IDEM Wastewater Permit
 Fluid Waste Services, Inc. – Noblesville
IDEM Air Quality Permit
 Duke Energy Noblesville Generating Station

Present

Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Steven A. Holt, Commissioner
Dawn Coverdale, Auditor
Dan Stevens, Director of Administration
Jennifer Pickett, Administrative Assistant Deputy
Michael Howard, Attorney
Mark Bowen, Sheriff
Brad Davis, Highway Director
Jim Neal, Highway Engineer
Joel Thurman, Highway Project Engineer
Brandi Wariner, Highway Public Service Representative
Dave Lucas, Highway Staff Engineer
Matt Knight, Highway Bridge Program Engineer
Christopher Burt, Highway Engineering Technician
Tim Knapp, Highway Right-of-Way Manager
Kathy Howard, Highway Department Administrative Manager
Bob Davis, Highway Superintendent
Michael Carter, ISSD
Dan Papineau, Safety Risk Manager
Sheena Randall, Human Resources
Kris Pilkington, Brown & Brown Insurance
Ollie Schierholz, Court Administration
Rhonda Klopfenstein, Hoosier Heritage Port Authority
Chuck Kiphart, Plan Commission
Connie Pearson, President, Sheridan Town Council
Robin Ward, County Assessor
David Bice, Emergency Management Agency
Steve Wood, Buildings & Grounds
Beth Gehlhausen, Family Justice Center Project
Brenda Myers, Hamilton County Visitor and Convention Commission
Steve Hardin, 146th Street Road Cut
Patti Smith, BLN
Becki Wise, USI
Floyd Burroughs, FEBA

Terry McAbee, Assessor's Office
Matt Brown, A&F Engineering
Tom Kirifsis
Joe Bilby, Sheridan
Parvin Gillim, Sheridan
Michael Waldron, Butler, Fairman & Seufert

APPROVED HAMILTON COUNTY BOARD OF
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ATTEST

Dawn Coverdale, Auditor

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